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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,642	05/03/2001	Shunpei Yamazaki	SEL 258	7227

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EXAMINER

SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
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2871

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05/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/848,642	Applicant(s) YAMAZAKI ET AL.	
	Examiner ANDREW SCHECHTER	Art Unit 2871	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 21-24,76,77,85-90,93,94,97 and 98.

Claim(s) objected to: _____.

Claim(s) rejected: 91,92,95,96 and 99-102.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Andrew Schechter/
Primary Examiner, Art Unit 2871

Continuation of 5. Applicant's reply has overcome the following rejection(s): The applicant's response on p. 2 of the filing of 29 April 2009 overcomes the previous rejection of claims 91, 92, 95, 96, and 99-102 under 35 USC 112, second paragraph.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues [pp.2-4] that claims 91 and 92 comply with the written description requirement. This is not persuasive. As described by the applicant [in the paragraph bridging p.2 and p.3] one limitation of the claims is found in the device of Fig. 15 and not in the device Fig. 16, while another limitation is found in the device of Fig. 16 and not in the device of Fig. 15. The applicant argues [p. 3] that features from the different figures can be applied to other figures. For certain features, this might be reasonable: for instance, if the description of Fig. 15 noted that the substrate was formed of glass, while the description of Fig. 16 was silent on this feature, it might be reasonable to find that the applicant had possession of the device of Fig. 16 with a substrate made of glass. However, the features at issue in these claims are not of this kind; they recite the arrangement of various layers and electrodes, and it is by no means clear what the device recited in the claims would even look like; there are multiple ways to cobble together various features from the two embodiments to create new and different devices which might meet the limitations of claims 91 and 92, which highlights the fact that the claimed invention was not set forth in the specification as originally filed. The applicant argues [p. 3] that one of skill in the art would understand that the source wiring 1006 in Fig. 16 is connected to additional source wiring formed of a same material as the gate wiring (electrode) 1001. This is not persuasive. Fig. 16 shows a source wiring 1006 on top of the semiconductor layer; there are LCDs which have this arrangement without an additional source wiring formed of the same material as the gate wiring, and there is no indication in the text describing the figure that such additional wiring is present in the device of Fig. 16 as originally filed. There is not support for the inventions of claims 91 and 92 in the specification as originally filed, so the previous rejections under 35 USC 112, first paragraph, are maintained.